K 1946

File No. Coal and Coke Trade II/46.

Legal Department

B **BRANCH**

Subject:— Rules and Notifications under the Bombay Coal and Coke Trade (Licensing and Distribution) Order 1945.

P=H
E

File No. Coal and Coke Trade II/46.

Gen. 194 e.

91-B

Office of the R.L.A.

There is no objection to amending clauses 5(3) ~~xx~~ (i) and 14(1) and form C as proposed by the Finance Department (Supply) in its note at pages 47-49 ante. The clauses and the Form have been accordingly amended.

2. The priority certificate in Form F now sent by the Finance Department (Supply) incorporates certain instructions to be followed by the consumers. Those instructions are in the nature of conditions and it is presumed that the intention is that every consumer must comply with them. To give effect to this intention a new sub- caluse has been added to clasue 14 of the Order and Form F sent herewith has been suitably amended.

3. Form C which has been referred to in the instructions given in Form F, has been prescribed, it is understood, by the Government of India and that it is not to form part of the Order. That Form (Form C) has not therefore been scrutinised by the R.L.A.

Sd/- S.M.Chaudhari
17/1

O.C. for Remembrancer of Legal Affairs.

U.R. to F.D. (Supply) No. 420, dated the 17th Jan. 1946.

Mjr/12/10
4 Cs.

Office of the R.L.A.

The Form at page 1 is referred to in the Finance Department (Supply) note dated 19th December 1945, as "an application from consumers for priority supply of coal wagons". It however appears that the Form is a permit to be granted to a consumer. Finance Department (Supply) is requested to clarify the position and state if the Form is meant to be an application or a permit or a priority certificate. Form F sent with the linked case is a priority certificate to be granted to all consumers. If the present form which F.D. (Supply) desires should be included in the draft Order in addition to Form F is also meant to be a priority certificate it should be made clear in which class of cases it is intended to be granted to a consumer and whether it is subject to the condition of supplying information as at A-A on page 1.

Sd/- S.L.Choudhari
o.f. 17/1

for Remembrancer of Legal Affairs.

U.R. to F.D. (Supply) No. 419, dated the 17th Jan .1946.

Mjr/12/7

4 Cs..

Office of the R.L.A.

In view of the position stated in para. 2 of the F.D. (Supply) note at page 11 ante clause 14 of the Order may be redrafted as follows:-

"14. Priority Certificate (1) Every consumer or dealer in the area in which this order comes into force desiring to obtain a supply of coal or coke in quantities exceeding twenty tons per month from a place outside such area, shall make an application to the licensing authority in such form as it may from time to time prescribe. On receipt of such application the licensing authority may issue a priority certificate in such form as it may from time to time prescribe specifying therein the period upto which the certificate shall remain in force and the conditions subject to which it has been issued. No certificate shall be issued if the application therefor has not been sent so as to reach the licensing authority at least forty-five days before the commencement of the month for which the supply is required or if the information in the application is incomplete or false.

(2) No such consumer or dealer shall obtain or attempt to obtain coal or coke from a place outside the area in which this Order comes into force unless a priority certificate is issued to him.

(3) Every such consumer or dealer shall comply with the conditions specified in the priority certificate subject to which it has been issued to him."

2. The words "or permit" may be in-serted in clause 8 of the Order as suggested by F.D. (Supply) but it may be pointed out that whereas there are no fees prescribed for the issue of a permit, a fee of rupee one shall be leviable for the issue of duplicate thereof. It is presumed that this is intentional.

3. Form D has been slightly amended and a consequential change has been carried out in Form B (Condition 7). Similarly

reference at the end in the principal draft Order to Form E and F have been deleted.

Sd/-
o.c. 30/1

For, Remembrancer of Legal Affairs.

U.R. to F.D. (Supply), No 48, dated 30-1-1946

Mjr/12/7

4 Cs.

Office of the R.L.A.

The amendments suggested in the P.C.C.'s note dated 11-2-4 at pages 90-92 have been incorporated in caluses 2,5 and 13 of the draft Order at pages 73-83 ante. Consequential changes have also been carried out in Form C to the Order. As regards cause 13 it is presumed that the intention is that an application for permit should be made at least fifteen days before the commencement of the period for which supply of coal or coke is required. Clause 13 and Form C have been accordingly amended.

Sd/- P.N.Moos
o..c. 9/4/46

Remembr ncer of Legal Affairs.

U.R. to Civil Supplies Deptt., No 2816, dated
13th April 1946.

Mjr/12/7
1 Cs.